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IN THE DRAWINGS

Submitted herewith is a modified Figure 1 for the previously submitted formal Figure 1 drawing filed on June 29, 2001.

REMARKS

In view of the amendments made to the specification and claims, and in view of the following remarks, reconsideration of the application is respectfully requested.

Initially, the Applicant would like to thank Examiner Ngo for the obviously thorough examination of the above-identified application. Prior to discussing the various objections and rejections set forth by the Examiner, since the Examiner has acknowledged the election without traverse of the subject matter in claims 1-29 for this case, the non-elected claims 30-43 have been canceled. Obviously, the Applicants reserve their rights to file one or more divisional applications to the subject matter in due course.

With respect to the objection to the drawings as set forth on page 2, it is initially pointed out to the Examiner that formal drawings were filed in this application on June 29, 2001. A substitute Figure 1 is presented herewith which, in connection with amendments made to the specification, is considered to clearly address the objections raised to the drawings without the introduction of any new matter. First of all, with respect to the reference of surface portion 26, the Applicant has chosen to amend page 7 of the specification to indicate that this surface portion is not separately labeled. Clearly the plurality of inwardly extending projections 30-33 are provided on an upper inner inside surface portion of storage chamber 19. With respect to annular side wall "54", the Examiner's attention is drawn to the original specification on page 7, lines 10+ wherein reference is clearly made on line 10 regarding annular side wall 45. However, on line 15,

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the annular side wall was inadvertently labeled "54". It is considered that this minor typographical error is the reason for the objection to the drawings made by the Examiner. However, this typographical error has simply been corrected on line 15 of page 7 in the substitute paragraph presented. A similar typographical error has been noted on line 19 concerning cover member 40.

Finally, with respect to band "100", enclosed herewith please find a newly proposed Figure 1 for consideration in this application. It is noted that band 100 was depicted in original Figure 1 as presented. However, the band should have been indicated in dotted lines and on the outside of the container body 6 as clearly discussed in the specification, such as on the bottom of page 8 and continuing on to page 9. If this proposed drawing change is approved by the Examiner, a new formal drawing sheet for Figure 1 will be submitted. However, with this drawing change, in combination with the changes made to the specification, it is respectfully submitted that all of the objections to the drawings have been overcome without the introduction of any new matter such that withdrawal of the same is respectfully requested.

With respect to the rejection of the claims under 35 U.S.C. §112, second paragraph, it is unclear to the Applicant why there is a question regarding whether the sub-combination or combination is being claimed. Each of independent claims 1 and 16 specifically sets forth a preamble directed to a compact package for a garment and the body of the claim has a completely separate paragraph directed to the presence of the garment. Even without any preamble referencing the garment, it is respectfully submitted that the claim clearly is directed to a compact package including a container body, a garment, a buffer material and a cover member for independent claim 1 and a container body, a garment, a cover member and a cap member for claim 16. In any case, the claimed compact package includes both a container and the garment, as well as other components. Regardless of any earlier confusion, these arguments should clarify that both of the independent claims are directed to the combination. Based on the discussions

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held with the Examiner on October 7, it is understood that this rejection will be withdrawn. However, to further clarify these points, both independent claims 1 and 16 have been amended to specify that the garment constitutes hosiery, a definition for which in accordance with the present invention has been set forth in the application such as on page 1, lines 10-12. Due to the manner in which claims 1 and 16 have been amended, claims 14 and 28 have been canceled and the dependencies for claims 16 and 29 have been changed.

Based on the rejection of the claims on prior art, it is initially considered that none of the prior art discloses or suggests, even remotely, the presently claimed invention. The undersigned is actually under the impression that the application of prior art has been made in this fashion due to the question of whether the independent claims cover the combination or sub-combination as set forth above. In any event, the Thiele patent is directed to fastening end caps to a pre-compressed bail of fibers. These fibers are not considered to constitute a garment as recited in original claim 1 and, more particularly, hosiery as now further required by claim 1. In addition, although the Examiner has indicated that a buffer material exists in the Thiele arrangement, no labeling of the buffer material has been presented and the Applicant could find no additional structure that would equate to a buffer material corresponding to that of the present invention. Actually, there is not considered to be a container body in the Thiele arrangement given that only end caps are preferably utilized in connection with the pre-compressed bail of fibers. Therefore, the application of this prior art reference is not understood with respect to the originally claimed subject matter and, with respect to claim 1 as now amended, it is submitted that this prior art is even further remote.

With respect to the rejection of various claims based on U.S. Patent No. 3,826,359 to Brecher, this is considered to be the only patent cited by the Examiner which is even concerned with packaging of an analogous garment. However, it is also the opinion of the Applicant that the Examiner has taken an extremely broad interpretation of the

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arrangement in Brecher in rejecting the claims in this application. For instance, independent claim 1 of the present application requires the incorporation of a buffer material. The Examiner is relying upon the upper cover of a lower pantyhose package in Brecher in an attempt to meet this limitation. That is, the cover figure in the Brecher patent shows an upper package 10 and a lower package 10'. The Examiner is relying upon the cover in the lower package to define the buffer for the upper package. This is clearly not the intent of the packaging device in Brecher and the arrangement is quite different from that disclosed and claimed in the present application. Therefore, reconsideration of this rejection is respectfully requested. A similar argument exists with respect to the limitations of independent claim 16 since the Examiner is requiring a combination of two packages in the Brecher arrangement in requiring shell 16 to constitute a cover member and sleeve 12 a cap for the lower package.

The Applicant also questions the Examiner as to how this arrangement would even be relevant if one of the shells in Brecher were removed. That is, presumably the package in Brecher is only applicable if more than one shell is provided. It is respectfully submitted that the present application is directed to a single compact package which must have all of these claim features and not multiple, stacked arrangements. In other words, the Examiner is relying upon the structure from two different containers and changing the definition of the structure in each of the packages in an attempt to meet the limitations of the claims. It is respectfully submitted that this position is unreasonable and that reviewing the Brecher arrangement in connection with the presently claimed invention makes it clear that Brecher does not disclose or suggest the presently claimed structure.

With respect to the remainder of the art rejections, it is not understood how any of these prior art arrangements are being applied since none of them are even directed to packaging a garment. That is, the Kirkland, O'Leary and Curtis patents are well outside the field of packaging garments. The Kirkland and Curtis patents are concerned with containers for food and the O'Leary patent is directed to a package for belts. With the

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amendment of independent claims 1 and 16 so as to be limited to hosiery, these references are considered to be even farther afield.

In addition to the distinguishing limitations in independent claims 1 and 16, it is also considered that many of the dependent claims include structure not disclosed or suggested in the prior art. Furthermore, some of the dependent claim limitations have not even been addressed, such as the volume arrangement of claim 11. Regardless, due to the vast differences considered to be present between the invention set forth in independent claims 1 and 16 and the applied prior art, it is submitted that all the dependent claims are at least allowable as being dependent upon these independent claims. Although the Applicant appreciates the indication of allowable subject matter, i.e., claims 18-20, by the Examiner, it is simply, respectfully submitted that the present invention is entitled to much broader patent protection given the known prior art. Therefore, in view of the above remarks, the amendments made to the specification, claims and drawings, reconsideration of the application is respectfully requested. More specifically, it is respectfully requested that, following entry of this amendment/response, the claims be allowed and the application passed to issue. If the Examiner should have any additional concerns regarding the allowance of this application, she is cordially invited to contact the undersigned at the number provided below if it would further expedite the prosecution.

Respectfully submitted,



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Examiner Reference
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1. (Once Amended) A compact package for a garment made from a delicate material comprising:
a container body defining a storage chamber having an open end;
a garment made from a delicate material having an associated uncompressed, loose density, said garment being compressed within the storage chamber of said container body to multiple times the loose, uncompressed density, wherein the garment constitutes hosiery;

a buffer material, separate from the garment, arranged upon the garment within the storage chamber; and

a cover member extending across the open end of the storage chamber to retain the garment and buffer material within the container body.

15. (Once Amended) The compact package according to claim [14] 11, wherein the hosiery constitutes a pair of pantyhose.

16. (Once Amended) A compact package for a garment made from a delicate material comprising:

a container body defining a storage chamber having an open end, said storage chamber having a total volume of less than 10 in^3 (164 cm^3);

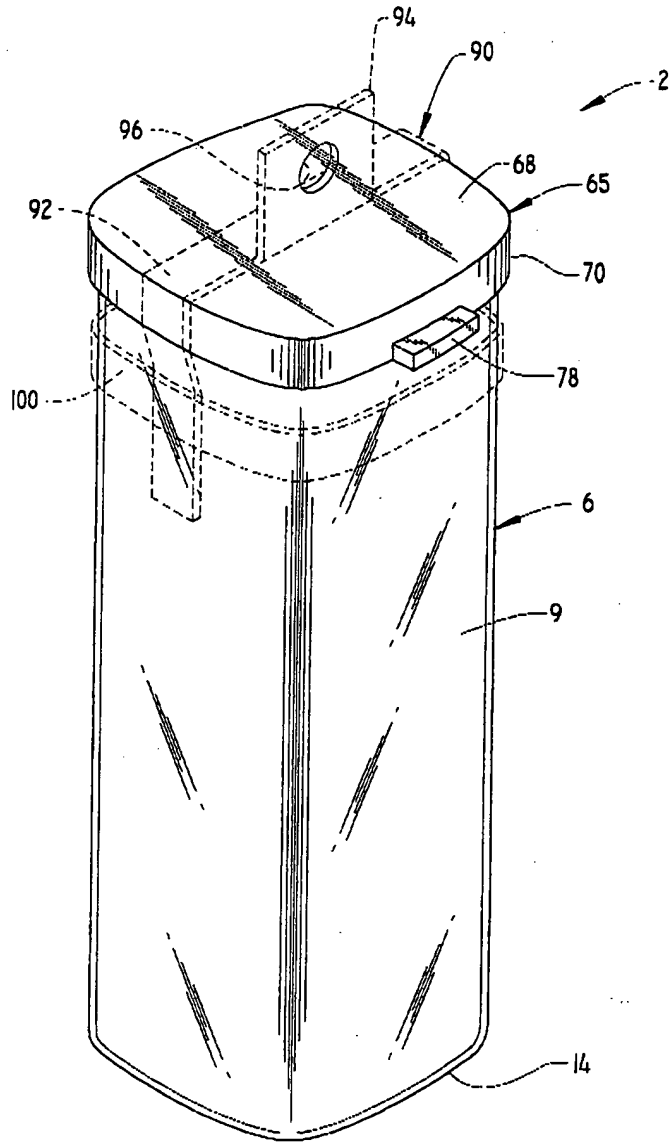
a garment made from a delicate material having an associated uncompressed, loose density, said garment being compressed within the storage chamber of said container body to multiple times the loose, uncompressed density, wherein the garment constitutes hosiery;

a cover member extending across the open end of the storage chamber to retain the garment within the container body; and

a cap member mounted to the open end of the container body over the cover member.

29. The compact package according to claim [28] 16, wherein the hosiery constitutes a pair of pantyhose.

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FIG. 1

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